

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ALAI P. KOLOI,)	CIVIL NO. 13-00252 LEK-RLP
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS THIS ACTION WITHOUT
vs.)	PREJUDICE
)	
DEPARTMENT OF THE ARMY,)	
)	
Defendant.)	
_____)	

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION WITHOUT PREJUDICE¹

January 27, 2014, this Court issued a Deficiency Notice and Order Regarding Service of Defendant. ECF No. 22. In that order, the Court gave notice to Plaintiff that he must serve the Complaint upon Defendant no later than February 26, 2014, and that failure to do so may result in dismissal of this action for failure to prosecute or otherwise follow a court order. See Fed. R. Civ. P. 41(b); Fed. R. Civ. P. 4(m); see also In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001) (stating that the court has broad discretion under Rule 4(m) to extend the time for service or to dismiss the action without prejudice).

Plaintiff has not filed proof of service or any other

¹ Within fourteen days after a party is served with a copy of the Findings and Recommendation, that party may, pursuant to 28 U.S.C. § 636(b)(1)(B), file written objections in the United States District Court. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the Findings and Recommendation. If no objections are filed, no appellate review will be allowed.

response to the Court's Deficiency Notice. Accordingly, the Court FINDS AND RECOMMENDS that this case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO FOUND AND RECOMMENDED.

DATED HONOLULU, HAWAII, MARCH 3, 2014.




Richard L. Puglisi
United States Magistrate Judge

KOLOI V. THE DEPARTMENT OF THE ARMY; CIVIL NO. 13-00252 LEK-RLP;
FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION WITHOUT
PREJUDICE